S.B. Criminal Misc. Bail Application No.3843/2006

Date : 04.09.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. P.N. Mohanani for the applicant.

Mr. Vishnu Kachhawaha, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that in this case under Sections 307 and other offences of the Penal Code, charge-sheet has been filed. He submits that in the statement recorded under Section 164 Cr.P.C. specific role has been assigned to other co-accused but no role has been assigned to the present applicant except that he was with other co-accused at the time of the incident. He submits that since investigation has been completed from the accused applicant and he is not responsible for causing injuries on the

person of injured Rohit, therefore, the applicant may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration the overall facts and circumstances of the present case and considering the statements recorded by the Magistrate under Section 164 Cr.P.C. wherein no overtact has been assigned to the accused applicant, I deem it just and proper to extend benefit of bail to the accused applicant.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant Imran Khan son of Baboo Khan shall be released on bail in FIR No.173/2006 P.S. Sanchore, provided he executes a personal

bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

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